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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,460	09/15/2003	Melvin Pardue	1201-023/ddh	2197
21034	7590	06/21/2005	EXAMINER	
IPSOLON LLP 805 SW BROADWAY, #2740 PORTLAND, OR 97205			ASHLEY, BOYER DOLINGER	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,460

Applicant(s)

PARDUE ET AL

Examiner

Boyer D. Ashley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to applicant's amendment filed 4/14/05, wherein claims 1, 10, and 16 were amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moyer, Jr. et al., U.S. Patent Design 360,817, or Khachatoorian et al., U.S. Patent 6,502,311, or Crank et al., U.S. Patent 2,240,387, in view of Kanzawa, U.S. Patent Design 468,615, or Glesser, U.S. Patent 5,689,890, or Glesser, U.S. Patent Design 421,378, or Cavanagh, U.S. Patent 610,471.

Moyer, Khachatoorian and Crank all disclose handles for hand tools with single direction ridges for facilitating gripping of the tool during use. The ridge direction of Moyer, Khachatoorian and Crank have a length extending in a direction generally transverse to the longitudinal axis such that no ridge overlaps any adjacent ridge along a line transverse to the longitudinal axis, and the ridge pattern includes no ridges extending generally along the longitudinal axis.

Moyer, Khachatoorian, and Crank all lack the two-direction ridge pattern formed on the outer surface, wherein the first ridges facing the rearward end, and a plurality of second ridges facing the forward end. However, Kanzawa, Glesser '615, Glesser '890,

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and Cavanagh all disclose that two directional ridge patterns on opposing sides of the tool, facing forwardly and rearwardly, on tool handles facilitate gripping the tool during use. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to make the one directional ridge pattern of Moyer, Khachatoorian et al., and Crank a two direction ridge pattern on each side of the tool, wherein the ridges patterns of Moyer, Khachatoorian et al., and Crank would face forwardly and rearwardly in order to enhanced a users grip on a tool during use.

As to claim 2, the modified devices of Moyer, Khachatoorian et al., and Crank all discloses the invention substantially as claimed except for the first ridges are located toward the forward end, which face rearwardly, and the second ridges are located toward the rearward end, which face forwardly, of the handle. However, Glesser '890 discloses that it is old and well known in the art to use first ridges that are located toward the forward end (the left side) and face rearwardly of the handle and the second ridges that are located toward the rearward end and face forwardly (the right side) for the purpose of reducing slippage in multiple directions. It should be noted from Figure 7, the protuberances on the left are increase in height from the center to the end and therefore are facing the rear. Likewise, the protuberances on the right are increase in height from the center to the end and therefore are facing the forward. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have the ridge patterns of Moyer, Khachatoorian et al., and Crank with the first ridges near the forward end facing rearwardly and the second ridges near the rearward end facing forwardly in order to reduce slippage in multiple directions.

As to claims 3-4, see Figure 4 of Moyer, Figure 1 of Crank and Figure 1 of Khachatoorian.

As to claims 7, 12 and 19, the modified devices of Moyer, Khachatoorian, and Crank lack the neutral zone between the forward facing ridges and the rearward facing ridge, wherein the neutral zone comprising a portion of the outer surface having no ridges. However, Glesser '378 and Kanzawa both disclose the use of neutral zone for the purpose of separate the opposing ridges to increase the effectiveness of the gripping surface. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a neutral zone in order to separate the opposing ridges to increase the effectiveness of gripping surface.

As to claim 8, the modified devices of Moyer, Khachatoorian, and Crank lack the ridges being arcuate; however, Cavanagh discloses that it is old and well known in the art to have the outer surface of the ridges when view together as being arcuate in order to increase the gripping resistance between the user and the handle. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have the outer surface of the ridges of the modified devices of Moyer, Khachatoorian, and Crank create an arcuate outline in order to increase the effectiveness of the gripping force between the user and the handle.

As to claims 13-14 and 20, the modified devices of Moyer, Khachatoorian, and Crank lack a retaining clip with a first end attached to the handle and a second end contacting the handle, wherein the second end of the clip contacts the handle in the neutral zone. However, Glesser '890 discloses that it is old well known in the art to use

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retaining clips (90) with a first end attached to the handle and a second end contacting the handle in order facilitate carrying the tool. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a retaining clip with the modified devices of Moyer, Khachatoorian, and Crank in order to facilitate carrying the tool. Furthermore, it would have been an obvious matter of design choice to shorten the length of the clip such that it contacts the neutral zone (24) in order to limit the amount of interference of the clip with the gripping surface, because such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

As to claim 14, the angle between the first sloping surface and the second face is shown as less than 90 degrees.

As to claim 15, the face surface defines a plane that is substantially transverse to the handle plane as shown.

4. Claims 5-6 rejected under 35 U.S.C. 103(a) as being unpatentable over Moyer, Jr. et al. in view of Kanzawa, U.S. Patent Design 468,615, or Glesser, U.S. Patent 5,689,890, or Glesser, U.S. Patent Design 421,378, or Cavanagh, U.S. Patent 610,471, as applied to claims 1-4 above and further in view of the following.

The modified devices of Moyer in Figures 2 and 4 shows a valley between each ridge, wherein the first sloping surface extends from the valley to the ridge in the direction from the forward end toward the rearward end and from the rearward end toward the forward end depending upon the side of the protuberance.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 571-272-4502. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Boyer D. Ashley
Primary Examiner
Art Unit 3724

BDA
June 16, 2005